

ENTERED

February 21, 2020

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JILL KATHRYN PETERSON,

Plaintiff,

VS.

**DONALD JONATHAN PETERSON, *et*
al,**

Defendants.

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CIVIL ACTION NO. 4:18-CV-4837

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court are Defendants' Motions to Dismiss. (Doc. No. 24, 33, 36). On October 30, 2019, United States Magistrate Judge Dena Hanovice Palermo issued a Report and Recommendation ("R & R"), recommending that the Court dismiss this case without prejudice pursuant to the abstention doctrine under *Burford v. Sun Oil Co.*, 319 U.S. 315 (1943) and *Younger v. Harris*, 401 U.S. 37 (1971). (Doc. No. 62). The R & R reasoned that such abstention is merited because Plaintiff's federal law claims are inescapably connected to divorce proceedings and a consolidated state action pending in state court. Objections were due by November 13, 2019. Plaintiff Jill Kathryn Peterson filed objections one day after the deadline. (Doc. No. 63).

On February 19, 2020, the Court held a hearing to address Plaintiff's objections to the R & R. Plaintiff failed to appear. At the hearing, Defendants informed the Court that the state court divorce proceedings between Plaintiff Peterson and Defendant Donald Jonathan Peterson had previously been resolved through a settlement mediation. On February 21, 2020, the Court held a subsequent telephonic hearing, which Plaintiff attended.

After considering Plaintiff's objections and the applicable law, the Court agrees with the

conclusions, and the reasoning, of the R & R. Accordingly, the Court hereby **ADOPTS** the R & R.

This case is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 21th day of February, 2020.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE